**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.M.JOSEPH**

**THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929**

**WP(C).No. 16023 of 2007(G)**

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**PETITIONER:**

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**N.U.MOIDEEN ALIAS NALARAKKETTIL UNDA MOIDEENKUTTY, AGED 56 YEARS, S/O.MAMMAD, PANNIYUR VIA KARIMBAM, TALIPARAMBA, KANNUR DISTRICT.**

**BY ADV. SRI.V.N.RAMESAN NAMBISAN**

**RESPONDENTS:**

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1. **SALE OFFICER, THE TALIPARAMBA PRIMARY CO-OPERATIVE AGRICULTURAL DEVELOPMENT BANK LTD., P.O.,TALIPARAMBA, KANNUR DISTRICT.**

2. **THE TALIPARAMBA PRIMARY CO-OPERATIVE AGRICULTURAL DEVELOPMENT BANK LTD., REPRESENTED BY ITS SECRETARY, P.O.TALIPARAMBA, KANNUR DISTRICT.**

3. **THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), TALIPARAMBA.**

**R1 & R23 BY GOVERNMENT PLEADER SRI.P.K.RAVIKRISHNAN**
**R2 ADV. SRI.M.SASINDRAN (SC)**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**APPENDIX**

**PETITIONERS EXHIBITS:**

**EXT.P1: COPY OF NOTICE DATED 27.3.2002 ISSUED BY THE 1ST RESPONDENT IN E.P.No.127/2001-02.**

**EXT.P2: COPY OF SALE NOTICE DATED 26.4.2007 ISSUED BY THE 1ST RESPONDENT IN E.P.No.127/2001-2002.**

**EXT.P3: COPY OF CIRCULAR NO.27/2006 DATED 29.6.2006 ISSUED BY THE REGISTRAR OF CO-OPERATIVE SOCIETIES, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.**

**TRUE COPY**

**P.A TO JUDGE**

**K. M. JOSEPH, J.**

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**W.P.C. NO. 16023 OF 2007 G**

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**Dated this the 19th July, 2007**

**JUDGMENT**

Petitioner availed three loans. The same could not be repaid. Petitioner challenges Exts.P1 and P2 and seeks the benefit of One Time Settlement Scheme in respect of the three loans and seeks allied directions. Heard the learned counsel appearing for the parties. Learned counsel for the respondent Bank submits that the petitioner has not applied for the benefit of One Time Settlement Scheme. He submits that if the petitioner makes an application, the respondent Bank will take a decision thereon in accordance with law. Petitioner relies on Circular No.59/06 dated 30.11.2006. He also relies on Circular No.55/06 dated 30.11.2006. The respondent Bank will consider whether the petitioner is entitled to the benefit of the same and if so found, the benefits the petitioner is entitled, will be given to the petitioner. Petitioner will submit a representation within ten

days from today before the second respondent. Upon receipt of the same, the second respondent will take a decision as aforesaid within a period of one month from the date of receipt of the representation. The recovery proceedings will be kept in abeyance till a decision is taken and communicated to the petitioner.

The Writ Petition is disposed of as above.

**K. M. JOSEPH, JUDGE**

**kbk.**